

## **CHAPTER 735: ADULT-USE CANNABIS SPECIAL USE**

**1.1 Purpose and Applicability:** It is the intent and purpose of this Section to provide regulations regarding the cultivation, processing and dispensing of adult-use cannabis within the jurisdiction regulated by Carroll County, IL. Such facilities shall comply with all regulations provided in the Cannabis Regulation and Tax Act (P.A. 101-0027) (furthermore referred to herein as "the Act"), as it may be amended from time-to-time.

**1.2 Definitions:** The following words and terms shall have the meanings shown herein:

**"ADULT-USE CANNABIS BUSINESS ESTABLISHMENT"**- An adult-use cannabis cultivation center, craft grower, processing organization, infuser organization, dispensing organization or transporting organization.

**"ADULT-USE CANNABIS CRAFT GROWER"**- A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization.

**"ADULT-USE CANNABIS CULTIVATION CENTER"**- A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments.

**"ADULT-USE CANNABIS DISPENSING ORGANIZATION"**- A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers.

**"ADULT-USE CANNABIS INFUSER ORGANIZATION OR INFUSER"**- A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product.

**"ADULT-USE CANNABIS PROCESSING ORGANIZATION OR PROCESSOR"**- A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product.

**"ADULT-USE CANNABIS TRANSPORTING ORGANIZATION OR TRANSPORTER"**- An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program.

**2. Allowed by Special Use Permit:** Adult-Use Cannabis Business Establishment facilities, as defined herein, shall require approval by a special use permit in the respective districts in which they are to be located. Special use applications shall be processed in accordance with Chapter 700 Article 21 "Special Use Permits" and met all conditions provided herein. Suitability of an application shall be based entirely upon the appropriateness for development, the existing uses and roadway capacities within the immediate area.

**3. Adult-Use Cannabis Facility Application Components:** In determining the appropriateness of a site and facility under application, the following components shall accompany a special use application.

- 3.1 What is the location of the property and/or structure in which the business will be located?
- 3.2 What is the category of Adult-Use Cannabis Business being sought? (If co-location, list all)
- 3.3 What are the intended hours of operation?
- 3.4 Provide a detailed site design, including access points from the roadway(s), include all existing and/or potential improvements regarding buildings, well and septic infrastructure, parking lot locations and total parking lot capacity.
- 3.5 Does the site comply with all requirements provided for its category of business included in Section 4 (Adult-Use Cannabis Craft Grower); Section 5 (Adult-Use Cannabis Cultivation Center); Section 6 (Adult-Use Cannabis Dispensing Organization); Section 7 (Adult-Use Cannabis Infuser Organization); Section 8 (Adult-Use Cannabis Processing Organization); or Section 9 (Adult-Use Cannabis Transporting Organization), as applicable.
- 3.6 Other criteria determined to be necessary to assess compliance of this Chapter.

**4. Adult-Use Cannabis Craft Grower:** An Adult-Use Cannabis Craft Grower may be located in the Ag-1, B-1, C-1, I-1 and I-2 Zoning Districts. The proposed facility must comply with the following:

- 4.1 Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center or day care home.
- 4.2 Facility may not be located within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.
- 4.3 For purposes of determining required parking of a Craft Grower, the requirements of Chapter 700-15.10 "Parking" (a) # 4 Industry shall be met and maintained.

**5. Adult-Use Cannabis Cultivation Center:** An Adult-Use Cannabis Cultivation Center may be located in the Ag-1, C-1, I-1 and I-2 Zoning Districts, the proposed facility must comply with the following:

- 5.1 Facility may not be located within 800 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center or day care home.

5.2 Facility may not be located within 400 feet of the property line of a pre-existing property zoned or used for residential purposes.

5.3 For purposes of determining required parking of a Cultivation Center, the requirements of Chapter 700-15.10 "Parking" (a) # 4 Industry shall be met and maintained.

**6. Adult-Use Cannabis Dispensing Organization:** An Adult-Use Cannabis Dispensing Organization may be located B-1, C-1, I-1, I-2 zoning districts, the proposed facility must comply with the following:

6.1 Facility may not be located within 800 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center or day care home.

6.2 Facility may not be located in a dwelling unit or within 400 feet of the property line of a pre-existing property zoned or used for residential purposes.

6.3 At least 75% of the floor area of any tenant space occupied by a dispensing organization shall be devoted to the activities of the dispensing organization as authorized by the Act, and no dispensing organization shall serve products for consumption on the premises other than as authorized in Section 6.5 below in the same tenant space.

6.4 Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

6.5 A facility may be issued the ability by special use permit to host on-site consumption of cannabis if located in a freestanding structure occupied solely by the dispensing organization and the facility is designed with a separated space designated for smoking consumption that is built or enclosed in a way to prevent any and all cannabis smoke from migrating into other areas of the facility. The security plan for the facility shall also reflect adequate provisions to respond to and prevent over-consumption.

6.6 For purposes of determining required parking of a Dispensing Organization, the requirements of Chapter 700-15.10 "Parking" (a) # 2 Retail Commerce shall be met and maintained.

**7. Adult-Use Cannabis Infuser Organization:** An Adult-Use Cannabis Infuser Organization may be located Ag-1, B-1, C-1, I-1, I-2 zoning districts, the proposed facility must comply with the following:

7.1 Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center or day care home.

7.2 Facility may not be located in a dwelling unit or within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

7.3 At least 75% of the floor area of any tenant space occupied by an infusing organization shall be devoted to the activities of the infusing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

7.4 For purposes of determining required parking of an Infuser Organization, the requirements of Chapter 700-15.10 "Parking" (a) # 4 Industry shall be met and maintained.

**8. Adult-Use Cannabis Processing Organization:** An Adult-Use Cannabis Processing Organization may be located in the B1, C1, I-1, I-2 Zoning Districts, the proposed facility must comply with the following:

8.1 Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center or day care home.

8.2 Facility may not be located in a dwelling unit or within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

8.3 At least 75% of the floor area of any tenant space occupied by a processing organization shall be devoted to the activities of the processing organization as authorized by the Act. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

8.4 For purposes of determining required parking of a Processing Organization, the requirements of Chapter 700-15.10 "Parking" (a) # 4 Industry shall be met and maintained.

**9. Adult-Use Cannabis Transporting Organization:** An Adult-Use Transporting Organization may be located in the Ag-1, B-1, C-1, I-1 and I-2 zoning districts, the proposed facility must comply with the following:

9.1 Facility may not be located within 400 feet of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center or day care home.

9.2 Facility may not be located in a dwelling unit or within 200 feet of the property line of a pre-existing property zoned or used for residential purposes.

9.3 The transporting organization shall be the sole use of the tenant space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.

9.4 For purposes of determining required parking of a Transporting Organization, the requirements of Chapter 700-15.10 "Parking" (a) # 4 Industry shall be met and maintained.

**10. Co-Location of Cannabis Business Establishments.** Carroll County may approve the co-location of Adult-Use Cannabis Business Establishments, subject to the provisions of the Act and the criteria within the County Code. With a co-location, the floor space requirements of Section 6.3, 7.2 and 8.3 shall not apply, but the co-located establishments shall be the sole use of the building intended for occupancy.

**11. Severability.** Nothing contained herein is allowed to be more restrictive or in conflict with the requirements of the Act, as it may amended from time to time. (section 55-25 #4) If any provision of this Ordinance or application thereof to any person or circumstances is ruled

unconstitutional or otherwise invalid, such invalidity shall not affect the other provisions or applications of this Ordinance.

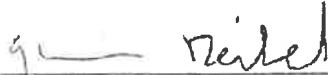
**12. Listing of State License Required.** When a business has been issued a license from the State of Illinois to operate an adult-use cannabis business, the petitioner or their agent, shall furnish Carroll County with a copy of license to be held on file. The Zoning Department shall keep a complete record of all such licenses issued within the county; and shall furnish the County Board and County Sheriff's Office with a copy thereof at the time a new license is issued. Upon the revocation of any license by the state, the zoning department shall give written notice of such action to the Sheriff's Office within forty-eight (48) hours of being aware of such an action.

**13. No Change of Location.** No change of location shall be allowed for a special use permit issued. In the event a business desires to move within the county a new special use permit shall be obtained for the change of location.

**14. No setback variation.** No setback variation will be allowed from the established distances of this ordinance. When determining setback compliance, measurements will be made from any pre-existing use property line to the closest adult-use cannabis business facility structure wall. Pre-existing residential use shall not apply when it is a part of the property under application.

**Effective Date.** This Ordinance shall be in full force and effect upon its passage and approval.

APPROVED AND ADOPTED THIS 20<sup>th</sup> day of February, 2020

  
County Board Chairman

